

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

STRIKE 3 HOLDINGS LLC,

Plaintiff,

v.

Case No. 23-CV-1710

JOHN DOE,
subscriber assigned IP address 99.129.235.73,

Defendant.

ORDER

Strike 3 Holdings, LLC, the holder of copyrights on many pornographic videos, seeks permission to serve a third-party subpoena prior to a conference under Federal Rule of Civil Procedure 26(f). For the reasons stated in the court's prior decision addressing this recurring issue, *Strike 3 Holdings LLC v. Doe*, No. 23-CV-1152, 2023 U.S. Dist. LEXIS 167126 (E.D. Wis. Sep. 20, 2023), the motion is **granted**.

Strike 3 Holdings has demonstrated good cause for its request for early discovery. It is entitled to pursue this action as a means of protecting its copyrights. There does not appear to be any other reasonable way for it to learn the identity of the

John Doe defendant to litigate this action. In other words, this action cannot proceed without early discovery.

Strike 3 Holdings may serve the ISP with a Rule 45 subpoena commanding the ISP to provide it with the true name and address of the Defendant to whom the ISP assigned an IP address as set forth in the Complaint.

Strike 3 Holdings shall attach to any such subpoena a copy of this Order.

If the ISP qualifies as a “cable operator,” as defined by 47 U.S.C. § 522(5), it shall comply with 47 U.S.C. § 551(c)(2)(B) by sending a copy of this Order to the subscriber disclosed.

Strike 3 Holdings may use the information disclosed in response to a Rule 45 subpoena served on the ISP only for the purpose of protecting and enforcing its rights as set forth in its Complaint.

Finally, the court notes that a defendant may be permitted to defend this case without public disclosure of his or her identity. *See Malibu Media, LLC v. Doe*, No. 14-cv-0932, 2015 U.S. Dist. LEXIS 66627, at *8-9 (E.D. Wis. May 21, 2015).

SO ORDERED.

Dated at Milwaukee, Wisconsin this 19th day of January, 2024.


WILLIAM E. DUFFIN
U.S. Magistrate Judge